

## NEWSLETTER, VOLUME 4 NR 13

23 June 2014

<b>Table of contents .....</b>	<b>page</b>
1. BASIC RIGHTS.....	2
2. ADMISSION POLICY.....	2
3. CHECK AND DEPORTATION .....	3
4. WHAT CAN BE DONE? .....	3

### NEW APPROACH INTEGRATION EXAM ABROAD

On the 1st of November the integration examination abroad will change. From then on the examination will no longer be held by telephone but by computer. The examination consists of three parts, each of which will have to be passed, but they can be taken at different moments in time. The examination subject speech will not be graded by the computer but by people.

The self-tuition package will be adjusted and will be available as of the 1st of September.

[Ministerie Sociale Zaken, 21.5.14](#)

## 1. BASIC RIGHTS

The Central Appeals Tribunal recognizes entitlement to shelter and support for displaced Palestinian

On 24 February the Council of State decided that the Secretary of State is responsible for shelter and support of undocumented migrants. Recently in the ruling of 13 June the Court of Appeal in Den Bosch decided that the freedom-restriction centre suffices.

Almost at the same time the Central Appeals Tribunal decided that a vulnerable, ill, displaced Palestinian who also had been declared undesirable is entitled to shelter and support in community shelter services because he is ill and his situation offers no prospects. You can read the ruling [here](#).

LOS: ask for shelter and support for undocumented migrants!

For a long time the lawyer Pim Fischer has been calling upon organisations to ask for shelter and support for undocumented people who are surviving in difficult situations. In co-operation with Pim Fischer Stichting LOS have written a guidebook. You can find more information [here](#).

Advice Court of Justice EU: payment of overdue salary undocumented migrant

In a case pertaining to the Netherlands the Court of Justice have advised to pay the overdue salary of an undocumented migrant from the government fund that is intended for the payment of salaries when firms have been liquidated. In such cases the Court are of the opinion that discrimination based on residential status is not allowed.

The definitive ruling is still to follow. You can read the advice [here](#).

Central Court of Appeal: social benefit with retroactive effect if status is with retroactive effect

Often a residence permit is granted with retroactive effect. In this case the migrant had applied for benefit before, but this request had been turned down. Now that the migrant has a status with retroactive effect, the benefit should be paid with retroactive effect as well. The Court will estimate how much debt the migrant has incurred and will determine the height of the benefit. You can read the ruling [here](#).

## 2. ADMISSION POLICY

CAT (UN Committee against Torture): temporary ban on eviction due to risk of genital mutilation Guinea

This Guinean woman underwent a restorative operation to undo her genital mutilation. She fears to be mutilated again if she has to return, but the judge found this not sufficiently substantiated and has denied the asylum application.

The lawyer lodged a complaint with the UN Committee against Torture (CAT) in order to prevent his client's eviction to Guinea. On 18 June 2014 the CAT has taken an interim measure and decided that eviction should be postponed for the time being (CAT 613/2014, 18.6.14).

Court of Appeal: risk because of deterioration situation in Iraq

The Court has prohibited the Netherlands to evict this Iraqi. Recent developments have shown that the region of origin is very dangerous. Before eviction can take place the Court want to obtain more information (Rb Zwolle, 14/12499, 13.6.14).

Council of State: no status for mother with Dutch child because the father has to take care of the child  
 The mother had applied for status because her child is entitled to residence in the Netherlands and she is the only one who cares for the child. The Council of State have denied the application. According to the Council of State the mother has not proven that the father is not to be found and cannot care for the child. You can read the ruling [here](#).

This ruling shows that it is very important to prove that the father is really absent.

### 3. CHECK AND DEPORTATION

IND: eviction to Somalia still not possible

The Somali authorities had promised to set down new agreements about deportation by the end of May 2014. But as yet they haven't responded. However, one Somali pirate has been accepted back in the country, but this was based on an individual arrangement. According to the Secretary of State eviction to Somalia is still possible. It is now up to the Court to assess this point of view.

### 4. WHAT CAN BE DONE?

Manifestation Fair Child's pardon, The Hague, 25 June

More information: <http://www.defenceforchildren.nl/p/140/3980/mo233-m80/politiek-aan-zet-voor-een-eerlijk-kinderpardon>.

VARA series of portraits 'We will stay friends' [Wij blijven vrienden'] 21-29 June

Who are the children who do not quite qualify for the much-discussed Child's Pardon? This series of documentaries gives a face to the children who do not quite qualify for the Child's Pardon and to their best friends. From Saturday 21 up to and including Sunday 29 June by the VARA on Zapp.

Event Surprising Europe: 25 June 15-17u filmhuis the Hague

During the past few years many migrants left for Europe in search of a better existence. Currently the project Surprising Europe is taking some time for reflection. Did the migrants' expectations come true? What are the pros and cons of living in Europe? Is going back an option or is this out of the question?

Location: Filmhuis The Hague, Spui 191, The Hague

Information and registration: Paul Dallinga, tel. 030-7551580 or [info@maatwerkbijterugkeer.nl](mailto:info@maatwerkbijterugkeer.nl)

STIL Utrecht still closed for new clients until the 1st of September

Until September 1st STIL cannot help new people with requests for social and/or legal help. Every Wednesday from 9 - 11 hours the medical consultation hours will remain open to everyone. Of course our existing clients will still be helped by their contacts, this will be done by appointment.

[www.stil-utrecht.nl](http://www.stil-utrecht.nl)

Appeal Remonstrant Brotherhood for humane treatment of undocumented migrants

Here is the appeal from the Remonstrant Brotherhood to the authorities for a more humane treatment of undocumented migrants and an appeal to their own members to support this group.

<http://www.remonstranten.org/site/images/ongedocumenteerden.pdf>

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.